IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITIION NO. 2224 OF 2006

Yasir Dawood Khan. .. Petitioner.

vs.

State of Maharashtra .. Respondent.

Shri K.T. Thomas for petitioner.

Shri D.S. Mhaispurkar, A. P.P. for State.

CORAM : J.N. PATEL, AND

SMT. ROSHAN DALVI, JJ.

DATE : 17th October, 2006.

P.C.

. The petitioner has approached this Court seeking bail on the ground that the trial court has failed to comply with the provisions of Section 309 of Cr. P.C.

2. The petitioner is being tried for having committed offences under section 120(b), 406, 420, 467, 468, 471, 506(2) read with 34 of I.P.C. on the complaint lodged by Mr. Ejinder Alexander, the Asst. General Manager, S.B.I. Opera House Branch, Mumbai.

3. We have heard the learned counsel for the petitioner and the learned APP. It is not disputed that the trial court has already taken up the case of the petitioner for trial and evidence is being recorded by the trial Court. Therefore, we do not think that this is a fit case where this Court should intervene in the matter in exercise of its extraordinary jurisdiction.

4. On our specific query, the learned counsel appearing for the petitioner submitted that the petitioner is being produced from the prison from time to time to attend the trial but in no case his detention has exceeded beyond 15 days of being produced before the Court. Therefore, there is no violation of the provisions of Section 309 of the Cr. P.C.

5. In so far as the question of bail is concerned, since the trial has already commenced it would not be proper to order release of the petitioner on bail. Therefore, there is no merit in the petition. Petition is dismissed.

(J.N. Patel, J.)

(Smt. Roshan Dalvi, J.)